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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

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In the Matter of)

Joint Voluntary Proposal for Video)
Programming Rating System of)
National Association of Broadcasters)
(NAB), National Cable Television)
Association (NCTA) and Motion Picture)
Association of America (MPAA))
_____)

CS Docket No. 97-55

COMMENTS OF HECTOR GARCIA SALVATIERRA

I, Hector Garcia Salvatierra, hereby submit the following comments to the Federal Communications Commission (the "Commission" or "FCC") for its consideration in the above-captioned proceeding.

I. INTRODUCTION AND SUMMARY

I believe that I am well-suited to comment in this proceeding for two principal reasons. First, I am a longstanding member of the broadcast industry. I began my broadcasting career as a business manager for KOOL-TV, Phoenix, Arizona, in 1976. Today, I am individually the sole General Partner and majority equity partner of Hector Garcia Salvatierra, L.P., which is in turn the sole General Partner and majority equity partner of America 51, L.P., the Permittee of television station KAJW(TV), Channel 51, Tolleson

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(Phoenix), Arizona (the "Station").¹ In addition to holding a senior management position with KOOL-TV, and the general partner position and majority ownership interest in KAJW-TV, I also have been actively involved in the development of the broadcast financing business, having served on the board of directors of Broadcast Capital Fund, Inc. (known commonly as "Broadcap"), from 1980 through 1992.

Second, in addition to being a television broadcaster, I am a parent of five children. Consequently, I have a personal stake and interest in ensuring that the final video programming ratings system implemented by the FCC balances the important interests of broadcasters and programmers with the equally important interests of parents, who are entitled to make informed decisions governing the programming their children watch.

Summary

I believe that the video programming industry's voluntary proposal fails to satisfy the requirements of the 1996 Telecommunications Act. In prescribing the requirements for a television ratings system, Congress successfully balanced the Free Speech rights of broadcasters and programmers with the important interest of parents to regulate their children's viewing. The industry's voluntary ratings scheme, however, deprives parents of content-specific, substantive information concerning the nature, severity and prevalence of violent and sexual content or objectionable language in upcoming programming. Instead, it improperly accords the ability to make subjective judgments as to program suitability only to

¹Hector Garcia Salvatierra, L.P, the original Permittee of the Station, acquired the permit for KAJW(TV) by means of a comparative proceeding that began on February 15, 1985 and ended on December 6, 1994.

programmers and broadcasters, whose objectivity and judgment are no doubt affected by their considerable investments in the programming itself.

The industry's voluntary scheme provides parents with only conclusory ratings labels (e.g., "TV-PG" or "TV-MA") that fail to provide the detail envisioned by Congress and that, in fact, may be misleading and overinclusive. In addition, as evidenced by surveys demonstrating that approximately two-thirds of all prime time network programming is rated "TV-PG," the voluntary system's ratings labels are much too overbroad and provide parents with little means of discerning among programs on the basis of objectionable violent, sexual or language content. Contrary to the clear will of Congress, the industry's conclusory, non-detailed ratings also make it nearly impossible for parents to make productive use of "V-chip" programming blocking devices. Given the overinclusive and lax application of certain ratings categories, and the fundamental lack of substantive information in these categories, any attempt by parents to encode their V-chips to the particular needs and sensitivities of their children *vis-à-vis* violent and sexual content or objectionable language would be futile.

Consequently, the Commission should reject the industry's voluntary ratings scheme and instead adopt a scheme that satisfies Congress' mandate to provide parents with enough substantive, content-specific information concerning the nature, severity and prevalence of violent and sexual content or objectionable language in upcoming programming so that they may regulate their children's viewing accordingly. I propose an alternative ratings program below that would satisfy these criteria, and I encourage the Commission to adopt it or an essentially similar scheme.

I. THE TELEVISION RATINGS SCHEME MUST BALANCE THE FREE SPEECH RIGHTS OF BROADCASTERS AND PROGRAMMERS WITH THE INTERESTS OF PARENTS TO MAKE INFORMED VIEWING DECISIONS FOR THEIR CHILDREN

A. The Challenges and Responsibilities of Broadcasters and Programmers

As the Commission well knows, the business of television, like every other business, is revenue-driven. Broadcasters and programmers make money by targeting diverse programming to the largest audience possible. Because the success of a program, in terms of revenues as well as acceptability, depends upon the size of its audience, broadcasters are required to provide the viewing public with the kind of programming they most want to watch.

The freedom of broadcasters and the creative community to devise programming in a manner most aligned with audience tastes is vital to the economic health of the television industry and to the First Amendment right of Americans to view programming that interests them. As with most American commerce, television consumers (i.e., viewers) ultimately determine which programs are aired. Given the symbiosis between broadcasters and programmers on the one side and viewers on the other, each side shares the responsibility for the nature and quality of programming on television today. Thus, neither the viewing public, nor broadcasters and the creative community, can place the blame on the other for the present pervasiveness and casual treatment of sexual and violent material in video programming, and for the wide prevalence of profanity, strong language, and incivility.

Notwithstanding the economic necessity for television programmers to satisfy viewing tastes, programmers as creative artists also have a moral obligation to enrich and enlighten their audiences. What programmers create and broadcasters air not only reflects society, but

helps shape it. Programmers have the capability to communicate values, provide role models, motivate behavior, challenge new thinking, etc. In sum, programmers have great power to elevate or to degrade the human person.

The double-edged challenge borne by broadcasters is a difficult one. To simultaneously achieve entertainment, enrichment and commercial success is not at all easy. To meet this challenge, broadcasters need as much artistic and expressive freedom as the First Amendment will tolerate. We must be free to probe deeply the characters we present, their good and bad sides, the complexity of their lives and the choices they make within them, the consequences of these choices, and more. We broadcasters cherish our freedom to speak the truth as we see it, and to tell stories as we deem fit.

The broadcasters' challenge is made even more difficult still by the reality that a significant portion of the audience is made up of younger people, those not yet emotionally mature, firm in their self-affirmation, and with values in place. What might be a realistic and tasteful portrayal for a disciplined and responsible adult can, for young people, result in inappropriate and anti-social behavior.

Congress acknowledged the unique power of broadcasting, particularly over children, in the television ratings provisions of the 1996 Telecommunications Act ("1996 Telecom Act").² It noted that "[t]elevision influences children's perception of the values and behavior that are common and acceptable in society," and that "television broadcast and cable pro-

²Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) ("1996 Telecom Act").

gramming has established a uniquely pervasive presence in the lives of American children."³

Congress, however, also acknowledged the sanctity of the First Amendment rights of broadcasters by refraining from censorship in adopting requirements for the creation of a television ratings scheme.

B. The Interests of Parents and Guardians to Regulate Their Children's Viewing

Although Congress recognized the liberty interests of broadcasters, it also recognized the equally important interests of parents and guardians to protect their children from exposure to violent, sexual, profane or otherwise inappropriate video programming they believe harmful to their children. In requiring that the Commission implement a television ratings scheme in the event the industry's voluntary plan was unacceptable, Congress emphasized that whatever plan is implemented must empower parents with information about the content of upcoming programming so that they have the ability to make individual, informed decisions about whether such programming is suitable for their children. Seeking to strike a proper balance between broadcasters' First Amendment rights and the interests of parents to make decisions about what their children watch, Congress found in the 1996 Telecom Act that:

[p]roviding parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is a nonintrusive and narrowly tailored means of achieving [a] compelling governmental interest.⁴

³Id. at § 551(a)(1)-(2).

⁴Id. at § 551(a)(9).

Thus, the Act requires the rating scheme "permit parents to block the display of video programming that they have determined is inappropriate for their children."⁵ In providing that parents be given the information necessary to block programming "they believe harmful" to "their children," Congress clearly intended for the determination of whether programming is suitable for children be made by individual parents taking into account the emotional and developmental maturity of their children.

II. THE PROPOSED VOLUNTARY RATINGS SCHEME FAILS TO SATISFY THE CONGRESSIONAL MANDATE

In several respects, the joint voluntary proposal submitted by the MPAA, NAB, and the NCTA fails to meet the standards articulated by the 1996 Telecom Act. The Commission should, therefore, reject it.

⁵Id. at § 551(b)(2). The Act requires that existing and future "V-chip" video blocking technology continue to allow parents the ability to make informed judgments concerning the appropriateness of certain programming and its accessibility to children:

The Commission...shall take such action...to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that --

- (A) enables parents to block programming based on identifying programs without ratings,
- (B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and
- (C) will allow parents to block a broad range of programs on a multichannel system as effectively and as easily as technology that allows parents to block programming based on common ratings,

the Commission shall amend the rules prescribed...to require that the apparatus described in such section be equipped with either the blocking technology described in such section or the alternative blocking technology described in this paragraph.

1996 Telecom Act § 551(d)(4).

A. The Proposed Scheme Does Not Provide Parents With Sufficient Information To Make Individual Determinations Concerning The Suitability of Programming

The proposed ratings scheme deprives parents of the "timely information about the nature of upcoming programming" necessary for them to determine the appropriateness of programming for their children. Instead, the proposed scheme accords the ability to make these subjective judgments as to program suitability only to programmers and broadcasters, whose objectivity and judgment are no doubt affected by their considerable capital investment and commercial success interest in the programs at issue. In essence, the proposed ratings categories (i.e., "TV-G," "TV-PG," "TV-14," "TV-MA,"⁶ etc.) are too conclusory, give too much power to broadcasters and programmers, and give parents virtually no information to make independent judgments of the suitability of the programming for their children.

As envisioned by Congress, the determination of whether a program is suitable for all audiences (i.e., "TV-G") or mature audiences only (i.e., "TV-MA") or any other viewing category should rest with parents and not with programmers, broadcasters or the government. As the Commission is well aware, tastes and tolerances vary between families. What one parent may consider programming acceptable for all audiences, another parent would deem inappropriate for children under 14.

The kind of primary, substantive information broadcasters and programmers utilize to assign ratings (e.g., whether a program contains gratuitous or purposeful nudity, sexual

⁶I recognize that in a March 12, 1997, Public Notice, the Commission announced that the NAB, MPAA and NCTA had informed it that it would change the "TV-M" rating category to "TV-MA" in order to resolve certain trademark concerns. See "Modification of Industry Proposal for Rating Video Programming," Public Notice, Report No. CS 97-8 (rel. March 12, 1997).

situations or discussions, profane language, graphic violence, etc.) is precisely the kind of information that parents need to make viewing decisions for their children. In fact, as illustrated in the statutory passages excerpted above, it is this very information about the "nature of upcoming video programming" that Congress requires broadcasters to provide to parents. Yet it is this substantive, content-specific information of which the industry's voluntary ratings scheme deprives parents.

B. Deprived Of Content-Specific Program Information, Parents May Be Misled Into Denying Their Children Quality Suitable Programming

The recent incident involving the award-winning movie "Schindler's List" provides a vivid illustration of the danger in assigning the judgment of what programming is appropriate for children to anyone but parents. After NBC opted to air the movie with many of its most violent and sexual scenes intact, warning parents by assigning it what was then referred to as a "TV-M" rating, Oklahoma Congressman Tom Coburn charged that NBC took network television "to an all-time low, with full-frontal nudity, violence and profanity" by airing the movie.⁷ Apologizing later for his comments after having generated much criticism, the Congressman stated: "I cringe when I realize that there were children all across this nation watching this program,... exposed to the violence of multiple gunshot wounds, vile language, full frontal nudity, and irresponsible sexual activity."⁸

Although Congressman Coburn and some parents found "Schindler's List" vile and profane and inappropriate for children, many other parents considered the film a profoundly

⁷"Quest for Understanding, Tolerance Has to Continue," *The Pantagraph* (Bloomington, IL), A10, March 12, 1997.

⁸"Schindler's List," *Richmond Times Dispatch*, F6, March 2, 1997.

educational tool to share with their children -- a film whose graphic depiction of bigotry, physical violence and sexual abuse casts a profoundly humanizing effect on its viewers. Although courageous for having aired the movie, NBC appeared to agree at least in part with Congressman Coburn by giving the film a "TV-MA" rating, which restricts viewing to "mature audience only" and is applied to "program[s] specially designed to be viewed by adults and therefore may be unsuitable for children under 17."

Some parents surely took issue with this rating, believing that the film, in fact, should have been encouraged to view the film in order to learn, early on, about the horrors of violence and inhumanity at an early age. Some parents, too, were unfamiliar with the film but had no choice other than to trust the NBC ratings officials deprived their children of the experience of watching the film and may have regretted doing so afterwards.

In sum, the industry's voluntary ratings scheme violates the letter and intent of the 1996 Telecom Act because it assigns to broadcasters and programmers the role of determining suitability for children, thus depriving parents of the kind of primary, substantive information necessary to make such judgments themselves. The proposed scheme also creates a system that comes perilously close to an Orwellian paternalistic model where the authority of parents to judge what is suitable for their children is supplanted by the standardized, "one-size-fits-all" assessments of a Big Brotherly ratings boards. Clearly, this result was not the intent of Congress.

C. The Voluntary Ratings Categories Are Too Broadly Defined and Too Leniently Applied

The voluntary ratings system not only misappropriates to broadcasters and programmers the power Congress accorded parents to judge the suitability of programming for

children, its ratings categories are so broadly devised that it is impossible for broadcasters to provide primary, substantive information about programming in an accurate and useful manner. In requiring broadcasters to provide to parents substantive information about the nature of upcoming programming, it is clear that the Congress wanted to provide video programming consumers the ability to make informed decisions about their consumption based on reasonable disclosures. In so doing, Congress mandated disclosure protections for consumers of video programming similar to those it and federal administrative agencies have provided for consumers of food products, pharmaceutical drugs, automobiles, securities, alcohol and cigarettes, and many other products.

For example, a consumer of food products has the "nutrition facts" label on the side of packages, mandated by the Food and Drug Administration, to inform him or her of precisely what the package contains and in what quantities. A potential investor has access to securities registration statements filed with the Securities and Exchange Commission to inform him or her of an issuer's state of affairs and the viability of the securities for sale. A potential borrower has "truth in lending" statements mandated by the Federal Deposit Insurance Corporation to disclose to him or her the relevant terms and conditions of a loan.

The industry's voluntary ratings scheme, in contrast, fails to provide the kind of disclosure Congress intended. In fact, its approach to program labelling, if applied to food products, would require replacing the ingredients and proportion disclosures on nutritional labels with conclusory and unrevealing classifications such as "not suitable for the overweight" in the case of fatty foods, or "not suitable for the elderly" in the case of foods high in sodium or sugar. Clearly, it is the ability of consumers to make their own individual

decisions about whether to consume a product, based on objective information concerning the content and nature of the product, that Congress intended for consumers of television programming and that the industry's voluntary proposal does not provide them.

It is also clear that in applying their voluntary ratings scheme, broadcasters have classified an enormous amount of programming with significantly varying degrees of violent, sexual or otherwise indecent content, and with varying degrees of educational and developmental value, as falling within the vaguely defined "TV-PG" which signifies "Parental Guidance Suggested: *This program may contain some material that some parents would find unsuitable for younger children. Many parents may want to watch it with their younger children.*" In fact, this category seems to have become the ratings "catch-all" for programs that are not primarily directed to children.

According to a February 26, 1997, *USA Today* editorial, roughly two-thirds of prime time network programs are being rated "TV-PG."⁹ Moreover, *USA Today* reports that a whopping four-fifths of prime time network programs are being rated either TV-PG or the equally vague "TV-14," which is defined as "Parents Strongly Cautioned: *This program may contain some material that many parents would find unsuitable for children under 14 years of age.*" Based on a sampling of 150 hours of network programs over two weeks, the Media Research Center's Parents Television Council found vulgarities in 52% of TV-PG shows, and sexual references and jokes in 55% of TV-PG shows, as reported in the *USA Today* editorial.

Doubtlessly reflecting the result of having broadcasters and programmers themselves assigning ratings to programs in which they are heavily invested, *USA Today* also reported

⁹"Our View," *USA Today*, 12A, February 26, 1997.

that many experts and parents across the country feel that "the new rating system is too vague and, for many, too lax."

The lack of descriptiveness as to the specific nature of programming makes it impossible for parents, as Congress intended, to discern appropriate programming from offerings that are unsuitable for their children. For example, a parent of an emotionally mature and responsible twelve year-old girl assessing whether to permit her daughter to view a film rated "TV-14" receives little benefit from that rating. Given the child's maturity level, the parent would consider permitting her daughter to view a film containing profanity and violence, but not sexual content. The "TV-14" rating, which inappropriately prejudges the developmental status of all early-teenaged youth, is of little use to that parent. Indeed, this "one-size-fits-all" approach to program classification is fundamentally at odds with the intent of Congress to allow parents to use information about the specific nature of upcoming programming to tailor a viewing schedule for their children.

In addition, the otherwise vague description of the "TV-PG" rating category is rendered even less useful by its warning, "parents may want to watch [this program] with their younger children." Instructing parents to watch the program with their younger children contradicts the very purpose of the ratings system required by Congress. Congress intended a benefit of the ratings scheme to be that parents could rest assured that their children would not have access to objectionable programming when parental supervision is unavailable. As indicated above, the 1996 Telecom Act requires broadcasters to transmit a rating label with the main program signal so that "V-chip" equipped television sets can block programs that parents do not want their children to watch.

Given the fact that most programming is now rated "TV-PG," instructing parents to watch with their children thwarts a primary purpose of the television ratings requirement. Rating most programs "TV-PG" also thwarts the Congressional objective to allow parents to program their V-chip-enabled television sets to block out objectionable programming. At present, parents deliberating whether to restrict access to TV-PG programs categorically face the risk of blocking their children's access to programming that, although rated TV-PG, may be educational or otherwise worthwhile for them to watch.

D. The Industry's Decision To Base The Television Ratings Scheme On The Motion Picture Model Is Misguided

In a similar vein, the industry's reliance on the MPAA's movie ratings system as a model for the television ratings system is misplaced and inconsistent with Congress' objectives.¹⁰ The industry cites surveys showing that parents like the movie ratings system and feel that it is "useful in helping them make decisions about the moviegoing of their children."¹¹ But, television ratings serve a significantly different function and purpose than ratings in the movie theater context. Generally speaking, very young children attend movies with their parents or adult guardians. Pre-teens and teens also are barred by theater staff from entry into a restricted movie (rated PG-13, R, etc.). Thus, although the MPAA movie ratings are broad and lack detail, parents can assume the risk of exposing their child to the movie secure in knowing that if they find the movie inappropriate for their child, they can

¹⁰See "Commission Seeks Comment on Industry Proposal for Rating Video Programming," CS Docket No. 97-55, (rel. Feb. 7, 1997), Appendix at 2-3 ("The guidelines are modeled after the movie ratings system, which parents of America have known and trusted since 1968").

¹¹Id. at 3.

leave the theater and arrange to be admitted to a more suitable movie. This generally is not the case in the television context, where children watch television unattended by parental supervision for many hours.

The fact that the movie ratings system appeals to parents, therefore, does not suggest that the same scheme applied to television would satisfy the Congressional mandate. In fact, given the particularities of television, Congress has imposed requirements on the rating of television programming that it has not imposed on theater programming. Applied to the television context, the movie ratings scheme, specifically, fails to provide parents with the requisite primary, substantive information about the nature of programming content. In addition, the movie ratings system was not devised as a means of encoding content for purposes of its being received, and blocked, by an electronic device such as a V-chip. As a result, applied to television, the movie ratings scheme would fail to adequately satisfy the Congressional requirement to "allow [parents] to block violent, sexual or other programming they believe harmful to children...."¹²

III. THE COMMISSION SHOULD PRESCRIBE A RATINGS SCHEME THAT SATISFIES CONGRESS' MANDATE TO PROVIDE ACTUAL DESCRIPTIVE INFORMATION FOR PARENTS TO MAKE INFORMED DECISIONS

After rejecting the industry's proposed ratings scheme, the Commission should implement a ratings system of its own creation that satisfies Congress' mandate to provide parents with enough substantive information about the nature of upcoming programming to decide whether such programming is suitable for their children to view.

¹²1996 Telecom Act, § 551(a)(9).

I propose that in lieu of the industry's voluntary scheme, the Commission implement a ratings system based upon elements of the industry's proposed common ratings ("TV-PG," "TV-14," etc.) but configured consistent with Congress' intent, to provide parents with specific information concerning the (1) nature of any potentially unsuitable content (violence, sexual content or strong language), (2) its severity and (3) its frequency or prevalence. Severity would be defined for violence, in order from least to most severe, as "limited," "intense," "more intense," and "graphic;" for sexual content as "limited," "suggestive," "explicit," or "rape;"¹³ and for language as "strong," "coarse," or "profane." If the sexual content contains nudity, that fact could be noted in the content descriptions as well. Finally, the frequency or prevalence of the particular content would be categorized as "rare," "brief," "occasional," or "frequent."

Under this proposed scheme, parents and guardians would have at their disposal both the content information, which would appear in program listings and would be transmitted to signal blocking devices, and a plain-English recitation of such information in a text screen preceding such program. For purposes of the information with respect to nature, severity

¹³I recognize that the designation for "rape" may be more appropriate under "violence."

and frequency, the syntax could be as follows:

Nature

V = Violence

S = Sexual Content

L = Language

Severity

for violence

l = limited

i = intense

mi = more intense

g = graphic

for sexual content

l = limited

s = suggestive

e = explicit

r = rape

for language

s = strong

c = coarse

p = profane

Frequency

for violence

R = rare

B = brief

O = occasional

F = frequent

for sexual content

R = rare

B = brief

O = occasional

F = frequent

for language

R = rare

B = brief

O = occasional

F = frequent

Under this system, programming containing more than one form of potentially unsuitable content (e.g., violence and sex) would be described by addressing each form of content in succession, separated by dashes. The definitions of the terms for severity and frequency should be the same as those associated with those terms as used in the voluntary industry ratings or, if not included in those ratings, their common dictionary definitions.

For example, a one-hour drama containing seven depictions of intense violence, and one instance of suggestive sexual content that would have received a "TV-14" common rating under the industry's voluntary scheme would be the described:

ViF-SsR/TV-14

A two-hour movie whose potentially unsuitable content consists of four instances of explicit sexual content, with nudity, which would have received a "TV-MA" common rating under the voluntary scheme, would be described:

SeNO/TV-MA

A late night comedy show with 25 instances of profane language, which would have received a "TV-MA" rating under the voluntary scheme, would be described as follows:

LpF/TV-MA

This ratings system, or one similar to it, would provide parents the information necessary to make informed decisions about whether an upcoming program would be suitable for their children. In addition, such a system, unlike the industry's proposed scheme, would enable parents to encode their "V-chips" or other program blocking devices to permit their children

to watch programming that may be suitable for their individual developmental level while blocking programming that they are not ready to watch.

These informational descriptions, which would be printed in programming guides,¹⁴ included in other televised or print marketing materials, and transmitted to homes for use with blocking devices,¹⁵ should be used in tandem with plain-English descriptions of programming content aired as a text screen immediately before the beginning of the underlying program. This practice, which programmers such as HBO and Showtime have utilized successfully for years, makes it possible for the programmer or broadcaster to plainly inform parents and guardians about the content of the programming. For example, at the beginning of the two-hour movie in the example above, the ratings text screen could read as follows:

"This program contains frequent explicit sexual content, including nudity, and is intended for adult audiences only."

Finally, it bears repeating that such descriptive information about the nature, severity and frequency of potentially unsuitable material should be used in tandem with the non-descriptive, conclusory ratings labels implemented in the industry's voluntary program.

¹⁴I recognize that many newspapers publish television schedules in very brief "at a glance" blocks bearing only the voluntary common rating icons and that, in such an instance, it may not be possible to publish the full descriptive ratings codes.

¹⁵In order for this proposed system to be most effective in permitting parents to custom-program blocking devices, the Commission must prescribe that all broadcasters, cable operators, and all other television signal delivery providers transmit, and "V-chip" devices be capable of receiving, the entire descriptive code. Given the high capacity of television NTSC (analog) and digital signals, and that the maximum number of characters transmitted under my proposal would be 15 (a maximum of three "nature" ratings, a one-digit nudity designation, and a four-digit common rating), this requirement would not pose a burden upon any interested party.

Appending the common rating (i.e., "TV-PG," "TV-MA," etc.) would accommodate those parents who either do not understand the descriptive information or who would rather only trust the conclusion of the broadcaster or programmer. Such a dual approach would also, consistent with Congress' intent, provide all parents with substantive, primary information about the content of upcoming programming in order to decide to manually protect their children from such programming or to automatically and categorically block such programming by means of a V-chip device encoded in accordance with the particular needs of the child.

IV. CONCLUSION

For the reasons stated above, the Commission should reject the joint voluntary proposal for a video programming rating system submitted by the National Association of Broadcasters, the National Cable Television Association and the Motion Picture Association of America. In its stead, the Commission should implement a ratings scheme, similar to the one proposed above, that satisfies the Congressional mandate to provide enough content-based information about the nature of upcoming programming to empower parents to make

informed decisions about whether the programming is particularly suitable for their children's viewing.

Respectfully submitted,

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Dated: April 8, 1997

CERTIFICATE OF SERVICE

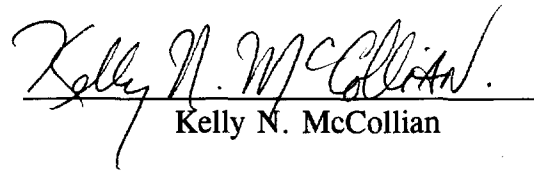
I, Kelly N. McCollian, hereby certify that on this 8th day of April, 1997, I caused copies of the foregoing "Comments of Hector Garcia Salvatierra" to be served by hand delivery on the following:

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